

INSURANCE MEN MARSHAL HOSTS AT THE CAPITOL

Army There to Oppose
Armstrong Committee's Reform Bills.

LED BY "BIG THREE."

Presidents Talk First, but All
Lines Down to Agents
Gather for the Fray.

(Special to The Evening World.)
ALBANY, March 9.—The hosts of the Insurance Trust are marshalled in Albany to-day. From president to agent they are here to oppose the Armstrong Insurance bills at the public hearing given by the joint Insurance Committee of the Legislature.

Down in front, in the well of the Assembly chamber, lined up with the investigators were President T. L. Woodruff, of the President Life, President Peabody, of the Mutual, President Orr, of the New York Life, and President Paul Morton, of the Equitable.

Senator Armstrong in opening the hearing said the committee was glad to have its recommendations freely discussed and dissected, but its judgment was not affected by mere weight of numbers. He said ex-Lieut. Gov. Woodruff had agreed to act as "guide, philosopher and friend" to the committee and steer the opposition.

Mr. Woodruff said practically all of the ninety odd legal reserve insurance companies of the United States were represented either directly or indirectly at the hearing. There were also on hand representatives of groups of policy holders. The ninety companies had outstanding 21,000,000 policies and the assets amounted to five times the aggregated capital of all the National banks in the country.

Mr. Woodruff introduced first President Morton, of the Equitable. Mr. Morton said he had sent a letter to Chairman Armstrong of the committee explaining thoroughly the position of the Equitable, and he read the letter.

Alexander H. Orr, of the New York Life, said the provisions of the bills offered generally by the committee met with cordial approval of the trustees on the New York Life.

"But we remember," said Mr. Orr, "the statement made by the chairman of the committee that its business was not to tear down, but build up life insurance companies."

He wanted to call attention particularly to one matter. The bill limiting the business of companies would cut that of the New York Life in half, he said.

The next speaker, President Peabody, of the Mutual, said the legislation proposed could not fail to be of lasting benefit to the people of the State. But there were three or four subjects, which, as they now stood, would work great harm to the life insurance companies. He said he was a new man in the field and would leave to more experienced hands the task of explaining.

Revolution, Says Ide.

"You have now heard," said Mr. Woodruff, from the presidents of the "Big Three." The smaller companies are to be represented by George E. Ide, president of the Home Life Insurance Company, of New York.

Mr. Ide declared the bill limiting the business of companies was revolutionary in its character.

"The intent of the law, he said, was to compel the company to distribute to the policy holders all its divisible surplus. This provision he attacked as unwise. He declared the Legislature couldn't determine just what reserve should be safe. It was a question which should be left to the judgment of the company.

"The bill," continued Mr. Ide, "takes away from the directors of the company the responsibility of wise management."

When asked what change he would suggest, Mr. Ide replied:

"I do not think any limit should be fixed for the net reserve. That provision should be eliminated."

Joel G. Vance, actuary of the Equitable, protested against the amendment to prohibit the issuance of deferred dividend policies. He said:

"I plead for the right of freedom of contract on the part of the people. Deferred dividend policies are freely issued in Japan and the British Empire. The question is whether the policies of this State shall be modeled after that of despotic Russia, where annual dividend policies are in vogue."

He said the deferred dividend contracts issued by the United States would be recanted to my trust if I would refuse to defend that system of insurance. I deny the deferred dividend policy is gambling. The charge is more applicable to annual dividend policies, which are uncertain and based on promises of fictitious dividends."

Builds Up Companies.

"Punish mismanaged companies, but don't strike down a system which has built up companies," pleaded the Equitable's actuary.

"Have you any objection to letting a policyholder know how much his dividend is worth?" asked Assemblyman Wainwright.

"I object because of the great amount of clerical labor and expense it involves," replied Mr. Vance. "It also involves a reduction in the surplus of the company."

"It's not the size of a company that causes bankruptcy," he added, "it's the policyholder's knowledge of the loss of dividend." Mr. Wainwright said that the deferred dividend plan is a system of inducement to the continuance of a policy on account of the loss of dividend in case he withdraws."

Mr. Armstrong Retorts.

Senator Armstrong said it was unfortunate and unjust to the man who couldn't carry on his premiums to have to give up his surplus to those who were able to meet their policy obligations.

Mr. Vance said there was an army of men around taking up the deferred dividend policy and that system was abolished there would be deprived of their living. He believed a man should

LAURENCE MILLER OF COMSTOCK'S SEE ARREST

Hugh Gordon Miller
Struck Head of Society
Twice in Court.

Answered because he had been called a liar in the hearing on a case before United States Commissioner Shields to-day, Hugh Gordon Miller, of the law firm of Marx & Miller, struck Anthony Comstock, head of the Society for the Suppression of Vice, twice, in the eye and jaw.

Mr. Comstock, white with anger, appeared to Commissioner Shields for a warrant against Mr. Miller for assault, but the Commissioner refused it and referred Mr. Comstock to the United States District Attorney, Mr. Stimson.

Before leaving the court-room, Mr. Comstock started another row with a newspaper man, who openly called him a liar, referring to a previous row between them, and Mr. Comstock made another appeal to Commissioner Shields for the reporter's arrest, asserting that he had twice been insulted in the court. But the Commissioner did not grant the warrant.

Mr. Comstock, in his capacity as Post-Office Inspector, was present to testify against Ernest Richards, of No. 236 West Thirty-fourth street, who was accused of using the mails for improper purposes. Mr. Miller, Richards' counsel, was advising the Assistant United States District Attorney, P. J. Carmody, who arraigned the prisoner. Mr. Miller declared that his client had been made the victim of a conspiracy by Mr. Comstock to make Richards a scapegoat in the case, and to let two others concerned escape. When Mr. Comstock, standing by, heard this, he interrupted Mr. Miller, crying out:

"That's a lie. Mr. Miller reached Mr. Comstock's side and struck him two smart blows in the eye and jaw."

"Liar is a fitting word where I come from," said Mr. Miller. He comes from Virginia, where he was formerly United States District Attorney. He is a close friend of President Roosevelt.

After the row with a reporter in the court, Mr. Comstock, getting angrier and angrier, rushed out to the District Attorney's office. He found Clarence S. Houghton, the assistant, in charge, and demanded that Houghton immediately arrested him. Mr. Houghton tried to calm the angry Comstock, and questioned him about the row, saying he would have to take the matter under advisement.

Meanwhile Mr. Miller remained in Commissioner Shields's office, expecting that Mr. Comstock might try to secure a warrant from the District Attorney, and that he would encounter him there. While he was there Stearns Edick, resident secretary of the Federal Union Surety Company, who has witnessed encounters between Miller and Comstock, but who did not know Miller, introduced himself to the lawyer and offered him a hand for him. Mr. Comstock should secure a warrant and cause his arrest.

Mr. Edick said he sympathized with Mr. Miller and was pleased to see what he did. Mr. Miller, acquiescing, Mr. Edick secured a warrant for his arrest and obtained from the vice-president a blank bond, which he was empowered to fill in for any amount up to \$100.

He has the option of taking the annual or deferred dividend policy. The branding of the latter policy as unlawful or immoral would deprive it of its value.

The argument on behalf of the life insurance companies is made by William C. Johnson, Chairman of the Legislative Committee of the Life Underwriters' Association, and agent in New York of the Phoenix Mutual. He discussed solely the proposed new section 18, restricting the expense of procuring new business. Mr. Johnson urged that this section be stricken from the bill. He said:

"The State may properly, on grounds of public policy, limit the size of insurance corporations. But within such limits the companies should not be restricted by law in the conduct of the details of their business. The State should provide a standard of principles upon which its corporations should do business. It should establish a standard of solvency. It should provide for complete publicity. It should require a strict accountability for all surplus funds."

"It should require the filing and publication of detailed statements of the cost of conducting business. Beyond this it is not the proper province of the State to go. It should not restrict the business of the companies by the management can spend on developing the company's business or increasing the efficiency of its plant."

"Any extravagance in the agency expense accounts of the companies will be automatically eradicated as a result of the more efficient publicity and strict accountability enforced under other sections of the proposed law. The taking off of pressure by the large companies whose business will be limited and the reform introduced by the proposed practice will reduce agency expenses to the lowest point consistent with the efficient conduct of the business."

He urged that the restrictions proposed as to the cost of securing new business be allowed to stand in the policy whether the dividend shall be paid in cash or in paid up policies. Actuary McClintock, of the Mutual Life Insurance Company, thought it would be well for the committee to consider some plan to defer the operation of the section. "No company should enable the companies to accommodate themselves to the new conditions," Mr. McClintock said. "Any arbitrary limitation of expenses as proposed would greatly injure an insurance company. The first object of the Legislature, he believed, should be to remove competition between the companies and so lessen the cost to policy holders."

He said he believed that the policyholders should be given the money of its policy holders is used. The life insurance companies have spent too much money. They've failed to make the surplus for the policy holders when they could have. That's why the big companies have not paid more to the policy holder than the small companies."

The letter of Paul Morton giving Mr. Ryan's views on legislation for insurance companies will be found on page 4.

MOROS KILL 18 U. S. SOLDIERS AND WOUND 52 IN FIGHT

Remarkable Battle in Which American Troops
Charge Up Mountain Side and Slay 600
Moros on Edge of a Crater.

LOSSES IN BATTLE THAT COST LIVES OF 18 U. S. SOLDIERS.

AMERICAN CASUALTIES.

THE DEAD:	
U. S. Infantry.....	15
Local Constabulary.....	3
Total.....	18
THE WOUNDED:	
Officers.....	7
Infantry.....	32
Seaman.....	1
Constabulary.....	12
Total.....	52
LOSSES OF THE ENEMY.	
Moros Killed.....	600

(Continued from First Page.)

lava cone two thousand one hundred feet high, with a crater at its summit, and extremely steep.

The last 400 feet were at an angle of 60 degrees and there were fifty perpendicular ridges covered with a growth of timber and strongly fortified and defended by an invisible force of Moros.

ENSIGN COOKE WOUNDED.

"The army casualties were fifteen enlisted men killed, four commissioned officers wounded and thirty-two enlisted men wounded. The naval casualties numbered three. Ensign H. D. Cooke, Jr., commanding the United States gunboat Pampanga, was severely wounded and Coxswain Gilmore was severely wounded in the elbow.

"The constabulary casualties were Capt. John R. White, wounded in the thigh, severely; three enlisted men killed and thirteen wounded.

"Capt. Tyree Rivers sustained a slight flesh wound in the thigh; Lieut. Gordon Johnston was slightly wounded in the right hand; Lieut. Wylie T. Conway, of the Sixth Infantry, was slightly wounded in the left eye. All the wounded are doing well.

ALL THE MOROS KILLED.

"Col. Joseph W. Duncan, of the Sixth Infantry, directed the operations. All the defenders of the Moro stronghold were killed. Six hundred bodies were found on the field.

"The action resulted in the extinction of a band of outlaws who, recognizing no chief, had been raiding friendly Moros and who, owing to their defiance of the American authorities, had stirred up a dangerous condition of affairs."

"The artillery was lifted by block and tackle, a distance of 300 feet, into a position on the lip of the crater. Brig.-Gen. Bliss and myself were present throughout the action.

"The attacking columns were commanded by Major Omar Bundy, Capt. K. P. Lawton, Capt. Rivers, Capt. L. M. Koehler, Capt. McGlachern and Lieut. Johnson.

"The officers and men engaged highly commend the Moro constabulary, who did excellent work, the casualties numbering thirteen out of the force of forty-four engaged.

"It is impossible to conceive a stronger natural position than that attacked."

LIFTED ARTILLERY BY BLOCK AND TACKLE DURING FIGHT.

WASHINGTON, March 9.—The official account of the fight near Jolo is contained in the following cablegram received at the War Department this morning:

"Following condensed from Major-General Wood's despatch from Camboan, 8 March 9:

"Troops, naval detachment, constabulary, Col. Joseph W. Duncan, commanding, attacked Moro fortifications in crater on Mount Dajo near Jolo. Action lasted afternoon March 8 until morning March 9. Mount Dajo, 2,100 feet high, last 300 feet angle 50 degrees, lava ridges, hot, serious. Artillery lifted by block and tackle 300 feet. Moros depredated from stronghold for past eight months and resisted to the death. About 600 killed. Major-General Wood and Brig.-Gen. Tasker H. Bliss were present throughout the action.

"Killed—army, 15, enlisted men; Capt. Tyree Rivers, wounded in thigh, slight; First Lieut. Gordon Johnston, wounded in shoulder, serious; First Lieut. Ernest H. Agnew, wounded in hand, slight; First Lieut. Wylie T. Conway, eye, slight. Thirty-two enlisted men. Navy—wounded, Ensign H. S. Cooke, wounded in foot, serious; Coxswain Gilmore, elbow, slight; one seaman, slight.

"Constabulary—killed, three enlisted: John R. White, wounded in thigh, serious. Total killed eighteen, wounded fifty-two.

"Troops, naval detachment and constabulary all highly recommended. Names of enlisted men killed and wounded will be reported later.

"ANDREWS, in absence of division commander."

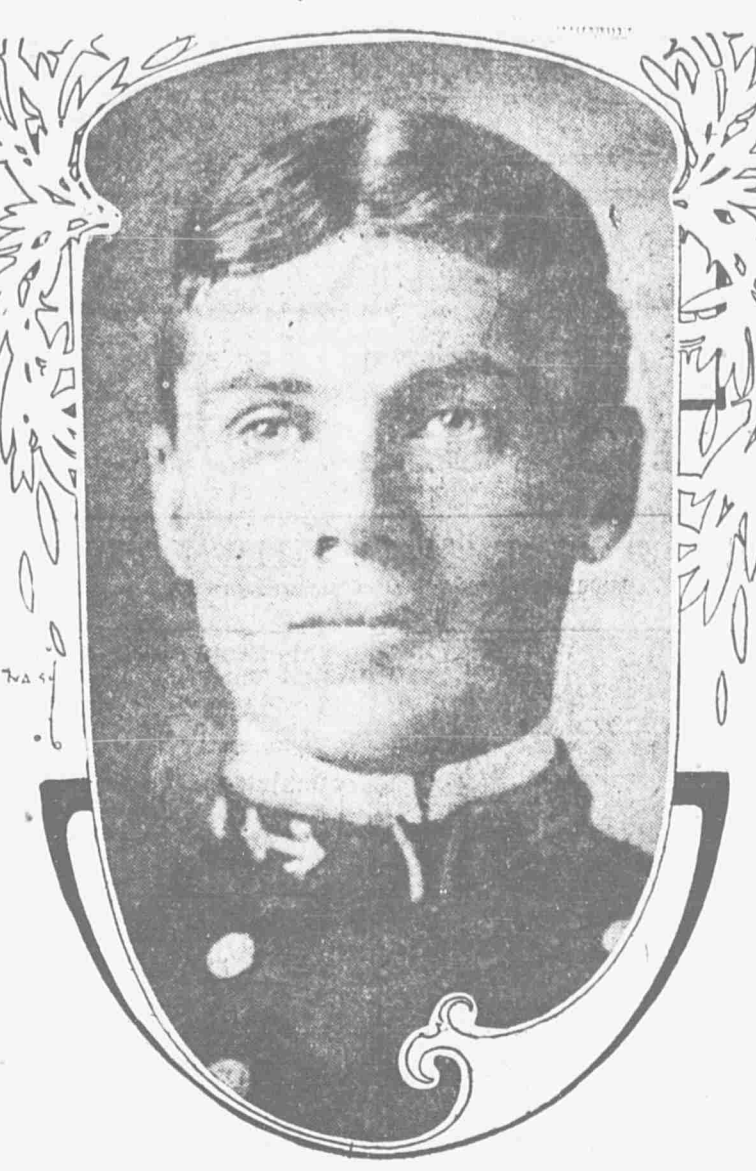
TROOPS THAT MAY HAVE BEEN IN FIGHT.

WASHINGTON, March 9.—The last list of troops stationed in the Philippines at the War Department shows that on Jan. 20 the following were stationed on the island of Jolo:

Companies I and L, Fourth Cavalry, and the Twenty-eighth Battery, Field Artillery, Companies L, K, L and M, of the Twentieth Infantry, had been stationed at Jolo, but are understood to have been relieved by a battalion of the Sixth Infantry, commanded by Col. Duncan, in January. Col. Duncan was the senior officer in field save Major-General Wood and Brig.-Gen. Bliss.

Assuming that the organizations were up to their normal strength there were about 600 soldiers in the action beside the naval contingent, the strength of which is so far unknown. It is believed that owing to the sick list and other causes there were probably not more than 400 of the military engaged. The

ENSIGN COOKE, WOUNDED IN BATTLE.



ENSIGN COOKE, ONE HERO OF THE BATTLE, IS POPULAR

Lucky Bag of His Naval Academy Class Says
He's from the Bowery and Never Speaks
Ill of Any Man.

Ensign Henry David Cooke, Jr., wounded in battle with the Moros, is the son of Mr. and Mrs. H. D. Cooke, of No. 245 West Eighty-third street, this city. Mr. Cooke is President of the American Farm Products Company, with offices at No. 52 Broadway.

Ensign Cooke was graduated from Annapolis Academy in 1903. He was one of the most popular men at the Naval Academy. In one more month the young man's three years' service would have been at an end, and his parents were looking forward to his return next month.

When told of her son's injuries by an Evening World reporter to-day this was the first news Mrs. Cooke had received of the battle—the mother was completely prostrated.

Ensign Cooke was twenty-seven years old. He had just been put to the command of the Pampanga. When first entering active service, he served on the Isosnoan.

The young man was well known socially. He is the grandson of Mr. Cooke, of the District of Columbia, who with Gov. Shepherd beautified the District of Columbia. He is also the nephew of the late Jay Cooke, who financed the loans during the Civil war. Here is what the Lucky Bag, the club book of 1903, says of Ensign Cooke:

"Gentle in personality. Noble in heritage. Generous and free. 'Cookie' two stars (21 D). Star (2). Class President. From the Bowery. Never speaks ill of any man, and always ready to do anything for anybody. Never known to want anything when anybody else wanted it. A man of many cousins—of the feminine gender."

Cavalry in 1899. He was appointed second lieutenant in the regular army Feb. 2, 1901, reaching the grade of first lieutenant in the Military Academy from Tennessee July 1, 1899; second lieutenant Third Cavalry, June 13, 1898; first lieutenant Third Cavalry Jan. 17, 1899, and captain Fourth Cavalry March 2, 1899.

First Lieut. Gordon John Johnston was born in North Carolina in 1874. He is a graduate of Princeton and an honor graduate of the Infantry and Cavalry School in 1903. He first entered the army at the outbreak of the Spanish war and was appointed from Alabama as a sergeant in Company M, Second Mississippi Infantry. In 1899 he became a second lieutenant in the Forty-third United States Infantry. In honor graduate of the Infantry and Cavalry School in 1903. He first entered the army at the outbreak of the Spanish war and was appointed from Alabama as a sergeant in Company M, Second Mississippi Infantry. In 1899 he became a second lieutenant in the Forty-third United States Infantry.

First Lieut. Ernest H. Agnew in 1898 was a second lieutenant of the Twentieth Kansas Volunteer Infantry and succeeded to the rank of Captain of the Eleventh United States Volunteer Cavalry in 1899. He was appointed second lieutenant in the regular army Feb. 2, 1901, reaching the grade of first lieutenant in the Military Academy from Tennessee July 1, 1899; second lieutenant Third Cavalry, June 13, 1898; first lieutenant Third Cavalry Jan. 17, 1899, and captain Fourth Cavalry March 2, 1899.

"I remember that little island very well indeed. We went all over it. It was there the Sultan of Sulu entertained us with an exhibition of the native sport, including buffalo fights. The inhabitants of the island are entirely uncivilized being Mohammedans and religious fanatics of the most pronounced type. They have no military organization, and their fights are all inspired by religious belief."

"At any time a priest among any of the mountain bands can inspire an uprising, then a swoop on the lower country will be made. The belief that if killed in battle they will go directly to heaven makes them desperate and anxious to fight to the death. This island, which is one of the extreme southern islands of the archipelago, was one of our last stops in the Philippines."

Other Spring suits—of latest styles—at especially attractive figures. An immense assortment.

It is the fashionable fad now to toast with candy, and it is healthier than alcoholic mixtures. PENNY A POUND PROFIT.

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CHOCOLATE COVERED PEPPERMINTS..... 10c ASSORTED FRUIT AND NUT CHOCOLATES..... 15c

SPECIAL FOR FRIDAY AND SATURDAY.

BUTTER PEANUT BRITTLE..... 10c AFTER DINNER CHOCOLATE PEPPERMINTS..... 25c HIGH GRADE CHOCOLATE AND BOMBONS, OR AN ASSORTMENT OF ALL CHOCOLATES, 30 KINDS..... 24c CHOCOLATE ITALIAN CREAMS..... 30c

We will deliver 1 to 10 lbs. at the following rates: Manhattan Island, 10c. Brooklyn, Jersey City, Hoboken or the Bronx, 15c. No goods sent C. O.

Candies for our out-of-town customers carefully packed and shipped from our Special Mail Order Dept.

MRS. TOLLA SAVED FROM THE GALLOWES

Jersey Board of Pardons
Commutes Sentence to
Seven and a Half Years.

(Special to The Evening World.)
TRENTON, N. J., March 9.—Mrs. Antoinette Tolla has been saved from the gallows. The Board of Pardons, called in session by Gov. Stokes especially to consider the plea of the condemned woman, this afternoon commuted her sentence to seven and one-half years' imprisonment.

The gibbet was ready for the prisoner, who has been in the shadow of death in the jail at Hackensack, and was under sentence to die the next Monday. The action of the Board of Pardons was a surprise even to the most sanguine Mrs. Tolla's friends. The best that most of them looked for was a reprieve and a new trial.

The vote on the commutation was 6 to 2. This is the first time the Court of Pardons has ever commuted a death sentence to other than life imprisonment.

Gov. Stokes is understood to have voted in favor of the woman, he, with others, being influenced by the contention of Mrs. Tolla's counsel that the man who interpreted the prisoner's story to the shooting of Joseph Sontag did not repeat it verbatim and lost many of the essential points.

Another consideration was the statement that the woman committed murder to save her honor. Mrs. Mary Quickness, of New York, who has been undergoing similar efforts to save Mrs. Tolla, and Samuel Kalkach, made the final appeal.

Alfredo Mannan, the Italian Vice-Consul, Edmund Mansel, an editor of Newark, and Joseph Tolla also appeared in the case. The counsel for Mrs. Tolla read before the court that part of the opinion, which Justice Ross delivered in the Court of Errors when that court refused the woman a new trial. He laid exceptional stress on it in the newly discovered evidence; he quoted the Justice as follows:

"Turning to the evidence, I am unable to discover any act or word by Sontag which can be fancied into a suggestion of a plot against the life of the defendant. No pistol seems to have been found other than the one used in the shooting of Sontag. The account of Sontag exhibiting a pistol, as manifestly fanciful."

If the prosecuting Attorney had used this evidence, which was in the State's possession, said the lawyer, the jury would have acquitted Mrs. Tolla on the ground of justifiable homicide. Because the State concealed this evidence, the jury would have found her guilty, and since the technical matters have come to such a state that Mrs. Tolla can be granted a new trial, she feels that the State must grant her a pardon."

HACKENSACK, N. J., March 9.—When word reached Under Sheriff Blaustein, who was in charge at the Sheriff's office, Sunday during the trial, of the decision of the Board of Pardons, he said he would not inform her.

He added that the Sheriff was not likely to allow her to be informed until the formal warrant arrives from Trenton. It is expected it will be brought down by Executive Clerk Fox.

600 AGENTS FROM CITY GO TO ALBANY.

More than 600 members of the Life Underwriters' Association of this city, with their friends and supporters, left to-day for Albany to argue against certain of the Armstrong Insurance bills.

The delegation occupied nine day coaches and left from the Grand Central station at 8.50 o'clock. At the only stop, Fishkill, the life insurance agents of the Central Hudson Valley joined the party. At Albany the delegation was to meet delegations from Buffalo, Rochester, Syracuse and Utica.

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